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Honorable Viktor V. Pohorelsky  
October 7, 2004  
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conference of September 28 will have been addressed by that date, and that the events directed by the Court will have been undertaken. It is further expected that a ruling from Judge Gleeson respecting a pre-motion conference will have been rendered and the parties either can advise the Court of the need for the conference on October 26, or the lack thereof. Should the latter be the case, the parties can advise the Court of the status of the proceedings following the pre-motion conference before Judge Gleeson.

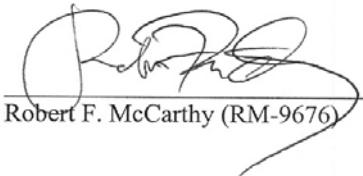
No prior requests for adjournments have been made and counsel for plaintiff has graciously consented to the adjournment.

Should the Court require any additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

McDONALD, CARROLL, COHEN & RAYHILL

By:



Robert F. McCarthy (RM-9676)

cc: Sanford L. Pirotin, PC  
323 Madison Street  
Westbury, NY 11590

LAW OFFICES  
**McDONALD, CARROLL, COHEN &  
RAYHILL**

DAVID L. BENDIK  
MICHAEL A. BUFFA  
DENIS E. CARROLL  
PAUL COHEN  
MARK A. COLLESANO  
JOHN K. CORRIGAN  
STEVEN M. DISTLER  
ALEXANDER D. FISHER  
STEPHEN I. GOLDBERG  
ROBERT F. McCARTHY  
VIRGINIA E. McDONALD  
KATHLEEN E. NEGRI  
MICHAEL P. O'BRIEN  
GAIL P. PARISER  
KENNETH E. PINCZOWER  
BRIAN J. RAYHILL

Employees of Nationwide Mutual Insurance  
Company®  
Not a Partnership

13<sup>TH</sup> FLOOR  
ONE WHITEHALL STREET  
NEW YORK, NY 10004-3605

(212) 248-9100  
FAX (212) 510-9257, and 510-9258

THOMAS J. REILLY  
RAYMOND J. SOFIELD

OFFICE SUPERVISOR  
SELENA STIGALL

PARALEGALS  
CHERYL E. CHARLES  
TRANELL D. DANIELS  
ALICE JUNE HOEY  
STAVROULA S. KONTOGIANNIS  
KINAYA REEVES  
LAURA E. RUBINICH  
VINCENT VOZZO

October 7, 2004

Honorable Viktor V. Pohorelsky  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Attiya Harris, et al., v. Stacey D. Ware  
Index No.: 04 CV 1120  
Our File No.: 04NY00806

Your Honor:

This office represents defendant Stacey Ware, with respect to the above-referenced litigation. An initial conference was held before the Court on September 28, 2004.

At the conference on September 28, defense counsel inquired of the Court, respecting motion practice related to, inter alia, jurisdictional issues and the applicable Statute of Limitations. Based upon the dispositive nature of the proposed motion, the Court directed that a written application be made to Judge Gleeson, the assigned District Court judge, for a pre-motion conference, in compliance with Judge Gleeson's rules. In the interim, the Court set a conference date of October 12, 2004, in lieu of setting a discovery schedule.

The Court also directed that, once the application was made to Judge Gleeson, and if Judge Gleeson set a pre-motion conference, the appearance before the Court would not be needed on October 12, and the parties would report the status of the proceedings after the pre-motion conference before Judge Gleeson. Defense counsel was directed to advise the Court as to whether or not the proceedings on October 12 would be necessary.

Due to a family illness, the undersigned was unable to make the application for the pre-motion conference in the prescribed timeframe. Accordingly, it is respectfully requested that the conference scheduled for October 12, 2004 at 2:00 p.m. be adjourned until October 26, 2004, at 2:00 p.m. It is anticipated that the issues raised during the initial